



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during April 2009**  
**DISTRIBUTED: May 11, 2009**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**Trombley Industries, Inc., Caribou, Maine.** Trombley Industries, Inc. ("Trombley") violated its Department-issued Air Emission License by exceeding opacity limits while operating the facility's primary rock crusher. To resolve the violation, Trombley paid \$1,000 as a civil monetary penalty.

**Harry C. Crooker & Sons, Inc., Whitefield, Maine.** Harry C. Crooker & Sons, Inc. ("Crooker") violated its Department-issued Air Emission License by failing to conduct required initial performance testing on the facility's rock crushers. To resolve the violation, Crooker agreed to conduct the required performance tests and paid \$2,500 as a civil monetary penalty.

**F. R. Carroll, Inc., Limerick, Maine.** F. R. Carroll, Inc. ("F. R. Carroll") violated its Department-issued Air Emission License by failing to conduct a required initial performance test on the facility's asphalt batch plant and failing to install a particulate matter monitor or have personnel with visible emissions certification present during batch plant operations. To resolve the violations, F. R. Carroll agreed to complete the required performance test, install a particulate monitor on the batch plant or certify personnel in visible emission observations, and paid \$1,750 as a civil monetary penalty.

**Bangor Historic Track, Inc. d/b/a Hollywood Slots, Bangor, Maine.** Bangor Historic Track, Inc. d/b/a Hollywood Slots ("Bangor Historic Track") violated Maine's *Protection and Improvement of Air* laws and the Department's *Major and Minor Source Air Emissions License Regulations* by installing a 2MW diesel powered generator without having obtained a required air emission license from the Department. To resolve the violation, Bangor Historic Track obtained a license for the generator and paid \$1,500 as a civil monetary penalty.

*Hazardous Waste:*

**Pond Cove Millwork, Inc., South Portland, Maine.** Pond Cove Millwork, Inc. ("Pond Cove") violated provisions of the Department's rules concerning *Identification of Hazardous Wastes*, *Standards for Generators of Hazardous Waste*, and *Hazardous Waste Manifest Requirements*. Specifically, Pond Cove: failed to mark containers of hazardous waste with the words "hazardous waste" and the date upon which accumulation began; failed to establish a hazardous waste storage with appropriate signage, a containment or collection system, or an alarm or communication device; failed to keep containers of hazardous waste closed; failed to conduct daily inspections of hazardous waste containers and record inspection findings in an inspection log; failed to develop, conduct, or document hazardous waste personnel training for employees who handle or manage hazardous waste; failed to develop a hazardous waste contingency plan; failed to apply for and obtain a U.S. Environmental Protection Agency hazardous waste generator identification number; and failed to retain uniform hazardous waste manifests for three years to document shipments of hazardous waste. In addition, Pond Cove failed to comply with special requirements for universal wastes by failing to designate waste lamp storage areas with a clearly marked sign,



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failing to store universal wastes in containers that are closed, failing to train employees who handle or have responsibility for managing universal waste, and failing to retain universal waste certificates of recycling to document proper disposal of universal waste lamps. Following Department involvement, Pond Cove submitted a written response to the Department indicating corrective actions to resolve the violations which included obtaining a U.S. Environmental Protection Agency identification number for hazardous waste generation, performing hazardous waste determinations on wastes stored on site, manifesting four drums of hazardous waste for disposal, properly labeling drums of hazardous waste, installing a communication device near the hazardous waste area, initiating daily log inspections for accumulated hazardous waste, posting signs in the hazardous waste storage area, and placing secondary containment under drums of hazardous waste. To resolve the violations, Pond Cove paid \$4,500 as a civil monetary penalty.

*Land:*

**Tracy Gordon, Avon, Maine.** Tracy Gordon ("Gordon") violated provisions of Maine's *Erosion and Sedimentation Control* law by displacing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soils or sediment beyond the project site or into a protected natural resource and *Protection and Improvement of Waters* law by discharging soil to waters of the State without first obtaining a permit from the Department. Specifically, Gordon failed to stabilize the approaches to a temporary stream crossing related to a forestry road, thereby, allowing sediment to enter an unnamed stream. Following Department involvement, Gordon stabilized the crossing and completed restoration to the satisfaction of Department staff. To resolve the violations, Gordon paid \$3,000 as a civil monetary penalty.

**John P. Carroll Family Trust, Limerick, Maine.** John P. Carroll Family Trust ("Carroll Family Trust") violated provisions of Maine's *Natural Resources Protection Act* by displacing soil and vegetation within seventy-five feet of a great pond without first obtaining a permit from the Department, and violated Maine's *Erosion and Sedimentation Control* law by displacing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soils or sediment beyond the project site or into a protected natural resource. Specifically, Carroll Family Trust altered areas within seventy-five feet of Sokokis Lake by clearing, excavating, grading, and placing sand fill. At the time of a Department inspection, no erosion and sedimentation controls were installed on the site with the exception of a silt fence in one portion of the affected area. Following Department involvement, Carroll Family Trust removed the sand and mulched the area with hay and planted trees in a portion of the cleared area. To resolve the violations, Carroll Family Trust agreed to plant additional trees in the cleared area, seed and mulch exposed soils, and paid \$2,455 as a civil monetary penalty.

**James King, Wilton, Maine.** James King ("King") violated provisions of Maine's *Natural Resources Protection Act* ("NRPA") and a Department licensing order issued pursuant to the NRPA by failing to follow plans and comply with provisions of the licensing order. In addition, King violated Maine's *Erosion and Sedimentation Control* law by displacing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soils or sediment beyond the project site or into a protected natural resource. Specifically, King filled or disturbed approximately 50,000 square feet of forested wetland beyond what was permitted in the licensing order and failed to submit a restoration plan and complete restoration work required by the licensing order. At the time of a Department inspection, no erosion and sedimentation controls were installed on the site. To resolve the violations, King agreed to submit and implement a restoration plan to bring the site into compliance with the licensing order, or, in the alternative, submit a permit modification application concerning the unlicensed activities and, if approved,



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comply with the terms of the permit, or, if denied, submit and implement a restoration plan. King will pay \$3,472 as a civil monetary penalty.

**Delores Chapman, Harrison, Maine.** Delores Chapman ("Chapman") violated provisions of Maine's *Natural Resources Protection Act* by constructing a permanent structure in, on, or over a protected natural resource without first obtaining a permit from the Department. Specifically, a four foot wide by 110 foot long permanent dock supported by metal pipe pilings was constructed in freshwater wetlands adjacent to Long Lake and in Long Lake. Following Department involvement, the dock was removed and restoration was completed to the satisfaction of Department staff. To resolve the violation, Chapman will pay \$1,387 as a civil monetary penalty.

*Water:*

**Irving Forest Products, Inc., Strong, Maine.** Irving Forest Products, Inc. ("Irving") violated provisions of Maine's *Water Pollution Control* laws and provisions of the Department's Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity ("MSGP"). Specifically, unauthorized discharges of stormwater occurred because at the time of the discharges Irving had not developed Best Management Practices ("BMPs") as required by the MSGP, stormwater discharged from outfalls or discharge locations not identified in the facility's Stormwater Pollution Prevention Plan ("SWPPP"), and stormwater discharges were significant contributors of pollutants as prohibited by the MSGP. In addition, Irving failed to timely submit a notice of intent to comply with the MSGP, failed to timely develop a SWPPP, failed to conduct quarterly site inspections in accordance with the MSGP, failed to revise the SWPPP in accordance with the MSGP, failed to include a schedule in the SWPPP for implementation of certain BMPs, failed to maintain BMPs in effective operating condition, failed to perform and document quarterly visual examinations of stormwater discharges in accordance with the MSGP, and failed to properly certify the original SWPPP submitted to the Department in accordance with Department rules. To resolve the violations, Irving paid a civil monetary penalty of \$29,500. Of the \$29,500 civil penalty, \$17,400 will be paid to conduct a Supplemental Environmental Project involving brook trout habitat restoration in the Sandy River.

**Fraser Papers Limited, Madawaska, Maine.** Fraser Papers Limited ("Fraser") violated Maine's *Water Pollution Control* laws and provisions of its Department-issued Waste Discharge License. Specifically, approximately 4,700 gallons of experimental latex used in papermaking was discharged from the Fraser facility to the St. John River. The discharge caused visible coloration and lowered the quality of the river below the minimum requirements of Maine's *Water Classification Program* law. To resolve the violations, Fraser paid \$5,000 as a civil monetary penalty.

**Birgit Frandsen, Kittery, Maine.** Birgit Frandsen ("Frandsen") violated provisions of Maine's *Water Pollution Control* laws by discharging wastewater from a residential sand-filter wastewater treatment system to Chauncey Creek following the expiration of a Department-issued Waste Discharge License associated with the wastewater treatment system. Following Department involvement, Frandsen submitted an application to the Department to renew the Waste Discharge License. To resolve the violation, Frandsen agreed to eliminate or repair the wastewater treatment system, pay outstanding licensing fees, and will pay \$1,000 as a civil monetary penalty.